

Regular Session, 2011

HOUSE BILL NO. 416

BY REPRESENTATIVE LOPINTO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PAROLE: Amends timing of parole eligibility for certain offenders

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(1), relative to parole eligibility; to provide for
3 parole eligibility for certain offenders after serving a certain portion of the criminal
4 sentence; to provide for exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:574.4(A)(1) is hereby amended and reenacted to read as follows:

7 §574.4. Parole; eligibility

8 A.(1)(a) Unless eligible at an earlier date and except ~~Except~~ as provided for
9 in Subparagraph (b) of this Paragraph and Subsection B of this Section, a person,
10 otherwise eligible for parole, convicted of a first felony offense shall be eligible for
11 parole consideration upon serving ~~one-third~~ thirty-three and one-third percent of the
12 sentence imposed. Upon conviction of a second felony offense, such person shall
13 be eligible for parole consideration upon serving ~~one-half~~ fifty percent of the
14 sentence imposed. A person convicted of a third or subsequent felony offense shall
15 not be eligible for parole.

16 (b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
17 a person, otherwise eligible for parole, convicted of a first felony offense shall be
18 eligible for parole consideration upon serving twenty-five percent of the sentence
19 imposed. Upon conviction of a second felony offense, such person shall be eligible
20 for parole consideration upon serving thirty-three and one-third percent of the

1 sentence imposed. A person convicted of a third or subsequent felony offense shall
2 not be eligible for parole. The provisions of this Subparagraph shall not apply to any
3 person who has been convicted of a crime of violence as defined in R.S. 14:2(B), has
4 been convicted of a sex offense as defined in R.S. 15:541, has been sentenced as a
5 habitual offender pursuant to R.S. 15:529.1, or is otherwise ineligible for parole.

6 (ii) Any person eligible for parole pursuant to the provisions of this
7 Subparagraph shall not be eligible for parole pursuant to the provisions of
8 Subparagraph (a) of this Paragraph.

9 (iii) Nothing in this Subparagraph shall prevent a person from reapplying for
10 parole as provided by rules adopted in accordance with the Administrative Procedure
11 Act.

12 * * *

13 Section 2. The provisions of this Act shall apply only to persons who are sentenced
14 on or after August 15, 2011.

15 Section 3. The Department Public Safety and Corrections shall measure and
16 document cost savings from the implementation of this Act. The Department of Public
17 Safety and Corrections shall establish a baseline for measurement using the average number
18 of inmates incarcerated at each type of penal or correctional institution as defined in R.S.
19 15:824 and at local parish jails or institutions in Fiscal Year 2010-2011. The Department
20 of Public Safety and Corrections shall provide information regarding the estimated savings
21 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the
22 provisions of this Act for reimbursements for the costs of incarceration of offenders awaiting
23 probation and parole revocation hearings, for other local corrections programs that reduce
24 recidivism, for expanded treatment programs, and for expanded probation and parole
25 services.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Lopinto

HB No. 416

Abstract: Amends timing of parole eligibility of certain offenders.

Present law provides that a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving one-third of the sentence imposed, and upon conviction of a second felony offense, such person shall be eligible for parole consideration upon serving one-half of the sentence imposed. Present law further provides that a person convicted of a third or subsequent felony offense shall not be eligible for parole.

Present law provides that a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least 85% of the sentence imposed before being eligible for parole.

Proposed law amends present law as follows, with respect to any offender who has not been convicted of a crime of violence, has not been convicted of a sex offense, has not been sentenced as a habitual offender, or is not otherwise ineligible for parole:

- (1) Upon a first felony conviction, the offender shall be eligible for parole upon serving 25% of the sentence imposed.
- (2) Upon a second felony conviction, the offender shall be eligible for parole upon serving 33-~~a~~ % of the sentence imposed.
- (3) A person convicted of a third or subsequent felony offense shall not be eligible for parole.

Proposed law retains present law with regard to a person convicted of a crime of violence, a person convicted of a sex offense, or a person sentenced as a habitual offender.

Nothing in proposed law shall prevent an offender from reapplying for parole in accordance with present law.

Proposed law provides that any savings realized by the provisions of proposed law shall be appropriated by the La. Legislature to DPS&C for reimbursements for the costs of incarceration of offenders awaiting probation and parole revocation hearings, for other local corrections programs that reduce recidivism, for expanded treatment programs, and for expanded probation and parole services.

(Amends R.S. 15:574.4(A)(1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Amended provisions regarding the timing of parole eligibility for those offenders who have not been convicted of a crime of violence or a sex offense and who have not been sentenced as a habitual offender.

2. Added provision prohibiting a person convicted of a third or subsequent felony offense from being eligible for parole.

House Floor Amendments to the engrossed bill.

1. Added provision requiring DPS&C to measure and document cost savings from implementation of proposed law. Further requires the La. Legislature to appropriate the savings realized by the provisions of proposed law to DPS&C for reimbursements for the costs of incarceration of offenders awaiting probation and parole revocation hearings, for other local corrections programs that reduce recidivism, for expanded treatment programs, and for expanded probation and parole services.